

ESTTA Tracking number: **ESTTA680663**

Filing date: **06/29/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211530
Party	Defendant William T. Odonnell DBA Odonnell Entertainment
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY PLLC 3440 MAPLE AVE W, PMB 151 VIENNA, VA 22180 UNITED STATES mswyers@TheTrademarkCompany.com
Submission	Opposition/Response to Motion
Filer's Name	Matthew H. Swyers, Esq.
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	06/29/2015
Attachments	Opposition to Opposers Motion to Compel and Extend.pdf(225500 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Serial No. 85/785,996
For the mark ADVENTURES OF SHADOW,

Registration No. 3,991,181
For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,

Opposer,

vs.

William T. Odonnell, d/b/a Odonnell Entertainment,

:
:
:
:
:
:
:
:
:

Opposition No. 91211530 (Parent)
Cancellation No. 92056491 (Child)

**APPLICANT’S OPPOSITION TO OPPOSER’S MOTION TO COMPEL AND
EXTEND OPPOSER’S TRIAL PERIOD**

COMES NOW the Applicant, William T. Odonnell, d/b/a Odonnell Entertainment (hereinafter “Applicant”), by and through counsel, The Trademark Company, PLLC, and files the instant Opposition to the Motion to Compel and Extend Opposer’s Trial Period filed by Opposer, J-Lynn Entertainment, LLC (hereinafter “Opposer”) stating as follows:

STATEMENT OF THE CASE

1. On or about May 26, 2015 Applicant, William T. Odonnell, attended his trial deposition noted by the Opposer in the instant case.

2. Prior to the Applicant’s trial deposition, Counsel for Applicant provided a copy of the Applicant’s deposition exhibits properly numbered and labeled as “Confidential” and/or “Trade Secret” as warranted to the Court Reporter.

3. On or about June 9, 2015 the Opposer filed a Motion to Compel seeking an Order from the Board extending Opposer’s trial period and compelling Counsel for Applicant to confirm the trial exhibits designated as “Confidential” and/or “Trade Secret” from Applicant’s Trial Deposition held on or about May 26, 2015.

4. Counsel for Applicant has not received a copy of Applicant's deposition transcript from the trial deposition held on May 26, 2015 from the Opposer.

5. Opposer's trial period closed in the instant case on or about June 12, 2015.

ARGUMENT

As of the date of filing of the instant opposition to Opposer's Motion to Compel and Extend, Counsel for Applicant has not received a copy of Applicant's transcript from the trial deposition held on or about May 26, 2015 from the Opposer. Upon Counsel for Applicant's receipt and review of the Applicant's deposition transcript from Opposer, Counsel for Applicant is willing to inform Opposer of the proper designation of the trial exhibits in question. As such, Applicant respectfully submits that Opposer's Motion to Compel and Extend should be denied and Opposer ordered to provide a copy of Applicant's trial deposition transcript to Counsel for Applicant.

Conclusion

WHEREFORE for good cause considered, the Applicant, by counsel, respectfully requests that the Board reject the Opposer's Motion to Compel and Extend Opposer's trial period in the instant case.

Respectfully submitted this 29th day of June, 2015.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

344 Maple Avenue West, PBM 151

Vienna, VA 22180

Tel. (800) 906-8626

Facsimile (270) 477-4574

mswyers@TheTrademarkCompany.com

Counsel for Applicant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Serial No. 85/785,996
For the mark ADVENTURES OF SHADOW,

Registration No. 3,991,181
For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,

Opposer,

vs.

William T. Odonnell, d/b/aOdonnell Entertainment,

Applicant.

:
:
:
:
:
:
:
:
:
:
:

Opposition No. 91211530 (Parent)
Cancellation No. 92056491 (Child)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 29th day of June, 2015 to be served, via first class mail, postage prepaid, upon:

NEADOM T MEDINA
J LYNN ENTERTAINMENT LLC
PO BOX 12365
MILL CREEK WA 98012

/Matthew H. Swyers/
Matthew H. Swyers